

831 KAR 1:010. Licensing fees and applications.

RELATES TO: KRS 330.050(6), 330.060, 330.070, 330.095, 330.192

STATUTORY AUTHORITY: KRS 330.050(8), 330.060(3)(b), 330.070, 330.192

NECESSITY, FUNCTION, AND CONFORMITY: KRS 330.050(8) authorizes the Board of Auctioneers to promulgate administrative regulations with the approval of the executive director of the Kentucky Real Estate Authority in accordance with KRS Chapter 13A as required to fulfill the duties and functions assigned to the board by KRS Chapter 330. KRS 330.060(3)(b) requires the board to establish an examination fee by administrative regulation. KRS 330.070 requires the board to promulgate administrative regulations concerning license fees and replacement fees and authorizes the board to establish fees for deferral of continuing education or a change of address. KRS 330.192 authorizes the board to promulgate administrative regulations concerning the auctioneer's education, research, and recovery fund. This administrative regulation establishes fees associated with acquiring and maintaining auctioneer licenses.

Section 1. Licensure Fees. (1)(a) The initial license fee for each new applicant with the Kentucky Board of Auctioneers shall be \$125. Payment of the fee shall accompany the Auctioneer License Application, KBA-1.

(b) An applicant for an initial license shall submit with his or her Auctioneer License Application, KBA-1, a national background check that was completed by the Federal Bureau of Investigation within the sixty (60) days preceding submission of the application.

(2)(a) The license renewal fee shall be \$125. A late fee of \$125 shall be added to the renewal fee during the six (6) month grace period following the expiration date of the license.

(b) A licensee shall use the online License Renewal System offered by the board at <https://auctioneers.ky.gov/Pages/default.aspx>.

(c) If a licensee is unable to use the online procedure, he or she shall submit a completed paper copy of the License Renewal Form, KBA-7 to the Kentucky Board of Auctioneers.

(3)(a) The examination fee for each applicant shall be \$125. Payment of the fee shall accompany the Auctioneer License Examination Application, KBA-2.

(b) An applicant for an initial license shall also attach a current two (2) inch by two (2) inch passport quality photo to the completed Auctioneer License Examination Application, KBA-2.

(4)(a) The licensing fee for a reciprocal applicant shall be determined pursuant to KRS 330.095(1)(c). Payment of the fee shall accompany the Auctioneer License Application, KBA-1.

(b) An applicant for a reciprocal license shall submit with his or her Auctioneer License Application, KBA-1 a national background check that was completed by the Federal Bureau of Investigation within the sixty (60) days preceding submission of the application.

(c) An applicant for a reciprocal license shall:

1. Attach a current two (2) inch by two (2) inch passport quality photo to the completed Auctioneer License Application, KBA-1; and

2. Submit a letter of good standing from at least one (1) jurisdiction where the applicant holds a license subject to a present reciprocal agreement between that jurisdiction and the board.

Section 2. Late Continuing Education Completion Fee. (1) A licensee who has failed to complete the required continuing education credits on or before May 31 of each license year shall remit a fee of \$300 to remain active.

(2) A licensee who remits the fee prescribed in subsection (1) of this section shall be prevented from renewing his or her license in the following license year unless he or she com-

pletes the delinquent education prior to the renewal period.

(3) Nothing in this Section shall alleviate a licensee's obligation to complete the continuing education required for each license year.

Section 3. Replacement Fee. The fee for replacement of a license or a pocket license shall be fifteen (15) dollars.

Section 4. Reactivation Fees. (1) To reactivate a license that has previously been placed in escrow status, a licensee shall pay:

(a) A reactivation fee of \$125; and

(b) The recovery fee of thirty (30) dollars.

(c) The reactivation fee shall not apply to any individual seeking to reactivate a license within ninety (90) days following a period of active duty military service. If the individual has been discharged from military service, this exception shall only apply if the individual was honorably discharged.

(2) The licensee shall complete the board's core course within six (6) months prior to requesting to reactivate a license that is currently in escrow and submit proof of the same with the completed License Status and Information Update Form, KBA-3.

(3) A licensee seeking to reactivate his or her license shall submit a national background check that was completed by the Federal Bureau of Investigation within the sixty (60) days preceding submission of the application with the completed License Status and Information Update Form, KBA-3.

Section 5. Change of Address and License Verification Fees. (1) The fee for a change of address shall be fifteen (15) dollars.

(2) The fee for a change of principal shall be fifteen (15) dollars.

(3) There shall be no fee for the following changes:

(a) Placing license into escrow; and

(b) Change of name.

(4) The fee for a duplicate license shall be fifteen (15) dollars.

(5) The fee for a letter of good standing shall be five (5) dollars. Upon request, the board shall provide documentation directly to the auctioneer licensing authority in another jurisdiction.

(6) Change and license verification requests shall be submitted on the License Status and Information Update Form, KBA-3.

Section 6. Recovery Fees. The following fees shall be assessed for the auctioneer's education, research, and recovery fund established by KRS 330.192:

(1) The recovery fee for each license application shall be thirty (30) dollars, which shall be waived for a principal auctioneer if the licensee has already paid the recovery fee for another license in the current license year; and

(2) The recovery fee for each license shall be thirty (30) dollars per year.

Section 7. Non-refundable Fees. All fees established by this administrative regulation shall be non-refundable.

Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Auctioneer License Application", KBA-1, May 2019;

(b) "Auctioneer License Examination Application", KBA-2, May 2019;

(c) "License Status and Information Update Form", KBA-3, May 2019; and

(d) "License Renewal Form", KBA-7, May 2019.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Auctioneers, 656 Chamberlin Avenue, Suite B, Frankfort, Kentucky 40601 Monday through Friday, 8 a.m. to 4:30 p.m. (37 Ky.R. 3021; 38 Ky.R. 737; eff. 11-04-2011; 40 Ky.R. 2326; 2678; eff. 7-7-2014; 44 Ky.R. 2546, 2705; 45 Ky.R. 327; eff. 8-24-2018; Recodified from 201 KAR 3:090, 10-12-2018; 45 Ky.R. 3546; 46 Ky.R. 436; eff. 9-6-2019.)